



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL

Meyer Distributing, Inc.
Attn: Jeffrey Braun, Registered Agent
560 E 25th St.
Jasper, IN 47546
jeff.braun@meyerdistributing.com

**Information Request Under Sections 114(a)(1) and 208(a)
of the Clean Air Act, 42 U.S.C. §§ 7414(a)(1), 7542(a)**

The United States Environmental Protection Agency (the "EPA") hereby requires Meyer Distributing, Inc., and its affiliates,¹ predecessors, successors, and assignees (collectively "Meyer"), to provide the information requested below.

The EPA issues this Information Request under Sections 114(a)(1) and 208(a) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7414(a)(1) and 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with the CAA's requirements pertaining to vehicles and engines, and the regulations promulgated thereunder. Section 114(a)(1) authorizes the Administrator to require any person subject to the CAA's requirements, other than manufacturers regulated under Title II of the CAA, to provide information reasonably required to carry out the CAA's provisions. The Administrator has delegated this authority to the undersigned Chief of the Vehicle and Engine Enforcement Branch in the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

Appendix A provides definitions. Appendix B provides instructions for Meyer's responses to this Information Request. Appendix C specifies the information that Meyer must provide. Appendix D provides information about asserting a claim of confidentiality over information you submit in response to this Information Request. Appendix E contains the form with which Meyer is required to certify the truth and completeness of Meyer's response.

Meyer is required to provide a complete response to this Information Request to the EPA

¹ For the purpose of this Information Request, the term "affiliate" means any entity that is related to Meyer Distributing, Inc., by shareholdings or other means of control, e.g., a subsidiary, parent, or sibling entity.

representative listed below within forty-five (45) calendar days from the date of this Information Request. If Meyer anticipates it will not be able to fully respond by this deadline, it may request an extension by contacting Katharine Owens, an Environmental Engineer of my staff, at (202) 564-2594, or owens.katharine@epa.gov, within fifteen (15) days of the date of this Information Request. If timely submitted, the EPA will review Meyer's request and may extend the time in which a response must be provided. Requests for additional extensions will not typically be granted. The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for responding to this request for information, while still ensuring that the Agency receives the information it needs to timely assess and confirm your company's compliance with the CAA.

If Meyer does not provide the information required within the requisite timeframes included in this Information Request, the EPA may seek monetary penalties under Sections 113(a)(3) or 205(b) of the CAA, 42 U.S.C. §§ 7413(a)(3), 7524(b). This Information Request is a continuing request and the EPA may deem each day the information is not provided beyond the submission deadline to be a separate violation. 42 U.S.C. §§ 7413(b), 7524(a). Federal law also establishes criminal penalties for knowingly providing false information to the EPA. Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries, inspections, and penalties.

Meyer must submit all requested information under an authorized signature with the following certification (provided in Appendix E):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Meyer may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. You must specify the page, paragraph, and sentence when identifying the information subject to your confidentiality claim. Appendix D of this Request for Information specifies the assertion requirements for business confidentiality claims. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice. EPA may use any information provided in response to this Information Request in an administrative, civil, or criminal action.

Please provide all requested information electronically. Information may be provided by email to Ms. Katharine Owens, an Environmental Engineer of my staff, at owens.katharine@epa.gov. Alternatively, Meyer may want to provide the requested information by way of a secure file sharing site. Please contact Ms. Owens regarding methods other than email.

Questions concerning this Information Request should be directed to Katharine Owens at (202) 564-2594, or owens.katharine@epa.gov. Questions from legal counsel should be directed to Edward Kulschinsky, an Attorney-Adviser of my staff, at (202) 564-4133, or kulschinsky.edward@epa.gov.

Meetu Kaul, Chief
Vehicle and Engine Enforcement Branch
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined below or in the CAA, 42 U.S.C. §§ 7401–7671q, or the regulations found at 40 C.F.R. Parts 85, 86, 89, 90, 1036, 1037, 1039, 1048, 1051, and 1068, in which case they shall have their meanings as defined therein.

1. “Affiliate” means any entity associated with another entity by shareholdings or other means of control, including a subsidiary, parent, or sibling entity.
2. “Applications” means all vehicle or engine configurations with which a product is compatible or may be used.
3. “Element of design” means any control system (e.g., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. §§ 86.094-2 and 86.1803-01.
4. “Entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
5. “Manufacturer” shall include any person engaged in the manufacturing, assembling or building of products identified in response to this Information Request.
6. “Meyer” refers, collectively, Meyer Distributing, Inc., and affiliates, predecessors, successors, and assignees.
7. “Person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
8. “Product” means any motor vehicle or engine part or component including, but not limited to, hardware, software, firmware, tunes, calibrations or other programming (and devices on which such software, firmware, tunes, calibrations or other programming are loaded).
9. “Tune” means, collectively, any software, firmware, calibration, signal, or other programming.
10. “Tuner” refers, collectively, to any product capable of accessing, altering, or replacing the software, firmware, calibration, signal, or other programming stored within or used by an electronic control module, including but not limited to replacement engine control modules (“ECMs”), piggyback tuners or controllers, flash tuners or programmers, or performance chips.
11. “Vehicle” refers to both a vehicle and a vehicle engine.

Appendix B
Instructions for Responses

1. Provide the response to this Information Request in electronic form. Provide any narrative responses or lists in English. All responsive documents and materials (e.g., copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable format, and should be number stamped in sequential order (e.g., BATES stamped). Where spreadsheets are responsive to a request, produce them in unlocked electronic spreadsheet format (locked files are unacceptable). Please contact Katharine Owens with questions about this instruction.
2. For each response, please provide the number of the Request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, please indicate the number of the Request to which it responds. Where information is responsive to more than one numbered request, provide that information only once, but indicate the numbers of all requests to which the information is responsive.
3. When a response is provided in the form of a number, specify the units of measure.
4. This Information Request is a continuing request. Immediately supplement the response to any request in Appendix C upon discovering responsive information not yet produced or gaining possession, custody, or control of responsive information after initially responding to this Information Request.

Appendix C

Information Request

Provide the following information to EPA, pursuant to Sections 114 and 208 of the CAA, 42 U.S.C. § 7414, 7542.

For requests 1 through 8, provide the following information in a single unlocked electronic spreadsheet.

1. Provide the name and part number, item code, or other unique identifier used by Meyer for each product Meyer manufactured, sold, installed, or offered for sale during the period January 1, 2018, through the date of this Information Request, that, individually or in conjunction with other products:
 - a. bypasses, defeats, removes, deletes, replaces, renders inoperative, or interferes with the following motor vehicle and engine devices or elements of design:
 - i. Exhaust gas recirculation (“EGR”) system;
 - ii. Diesel particulate filter (“DPF”) system;
 - iii. Diesel oxidation catalyst (“DOC”);
 - iv. NO_x adsorption catalyst (“NAC”);
 - v. 3-way catalytic converter (“TWC”);
 - vi. Selective catalytic reduction (“SCR”) system;
 - vii. Onboard diagnostic (“OBD”) system; or
 - viii. Any sensors, signals, or records related to those systems; or
 - b. bypasses, defeats, removes, deletes, replaces, reprograms, overwrites, modifies, or interferes with a motor vehicle’s electronic control module (“ECM”), software programming, or calibrations.

Examples of such products may include, but are not limited to, those commonly referred to as tuners, tunes, performance chips, block off plates, re-route plates, re-route pipes, performance exhaust systems, delete pipes, race pipes, straight pipes, upgrade pipes, test pipes, delete kits, or upgrade kits.

2. For each product identified in response to Request 1, provide the product’s California Air Resources Board (“CARB”) Executive Order (“E.O.”) number, if any.
3. For each product identified in response to Request 1 that does not have a CARB E.O. number, indicate whether Meyer has either documentation showing that the product is designed to perform the same function regarding emissions control as the device or

element of design it replaces, or documentation of emissions tests showing that use of the product does not cause vehicles or engines to fail to meet applicable emissions standards. Provide copies of all such documentation.

For requests 4 through 8, provide the following information in the unlocked electronic spreadsheet for each product identified in response to Request 1 that does not have a CARB E.O. number or the documentation described in Request 3.

4. For each product, provide the product's vehicle applications by:
 - a. vehicle or engine make;
 - b. vehicle or engine model;
 - c. engine fuel (gasoline or diesel); and
 - d. vehicle or engine model year.
5. For each product, provide the:
 - a. product manufacturer;
 - b. average price Meyer paid for each product;
 - c. name of each person or entity who Meyer purchased each product from if different from the product manufacturer;
 - d. quantity Meyer manufactured or sold during the period January 1, 2018, through the date of this Information Request;
 - e. average price Meyer sold each product for; and
 - f. quantity Meyer installed during the period January 1, 2018, through the date of this Information Request, including products installed on vehicles owned, operated, or controlled by Meyer.
6. For each product that is a tune or a tuner, answer "Yes" or "No" to the following questions:
 - a. Does the product affect the air/fuel ratio or timing?
 - b. Does the product prevent diagnostic trouble codes ("DTCs")?
 - c. Does the product prevent illumination of malfunction indicator lamps ("MILs") (e.g., check engine lights)?
 - d. Does the product disable the EGR system or allow removal (or "delete") of EGR system components?

- e. Does the product disable the SCR system or allow removal (or “delete”) of SCR system components?
 - f. Does the product allow removal (or “delete”) of DPF system components?
 - g. Does the product allow removal (or “delete”) of TWC system components?
 - h. Does the product allow removal (or “delete”) of NAC system components?
7. For each product identified that is not a tune or a tuner, answer “Yes” or “No” to the following questions:
- a. Is tuning or other electronic intervention required to install and use the product without triggering DTCs or illuminating MILs?
 - b. Does the product physically replace or allow removal (or “delete”) of EGR system components?
 - c. Does the product allow the EGR system to operate in its original equipment manufacturer (“OEM”) stock configuration?
 - d. Does the product physically replace or allow removal (or “delete”) of SCR system components?
 - e. Does the product contain an SCR system?
 - f. Does the product physically replace or allow removal (or “delete”) of DPF system components?
 - g. Is the product a DPF or does the product contain a DPF?
 - h. Does the product physically replace or allow removal (or “delete”) of TWC system components?
 - i. Is the product a TWC or does the product contain a TWC?
 - j. Does the product physically replace or allow removal (or “delete”) of NAC system components?
 - k. Is the product a NAC or does the product contain a NAC?
 - l. Does the product physically replace or allow the removal of sensors connected to the OBD system or an electronic control module (including the engine control module) (“ECM”)?
 - m. Does the product allow the ECM and OBD system to operate in their OEM stock configuration?
8. For each product identified, state whether Meyer indicated to customers that the product

is only for testing, maintenance, racing, competition, off-road, or other restricted use.

For requests 9 through 12, provide the following information for each product identified in response to Request 1 that does not have a CARB E.O. number or the documentation described in Request 3.

9. Provide copies of sales receipts or sales invoices for each product. If the receipt or invoice does not identify a shipping company, identify the company used to mail or ship each product to the purchaser. The requested information may be provided in a spreadsheet exported from an invoice or sales management program in lieu of individual receipts or invoices.
10. Provide copies of purchase receipts, purchase invoices, importation document, and shipping documents for each product that Meyer purchased or received from any entity formed or located outside the United States.
11. For each product provide:
 - a. a detailed written description of all methods by which the product has been promoted or publicized by Meyer, including but not limited to, print media, commercial websites, point-of-sale webpages, event promotion or sponsorship, trade show promotion, blogs, message boards, social media promotion, or through cooperative advertising;
 - b. copies of all advertisements for the product published in print or electronic media, including commercial websites, point-of-sale webpages, blogs, message boards, or social media; and
 - c. copies of all product manuals or instructions in Meyer's possession or control (e.g., owner's manuals or installation instructions).
12. For each product, if Meyer has indicated that a product is only for testing, maintenance, racing, off-road, competition-only, or other restricted use, provide:
 - a. copies of the document or other media communicating the use restriction; and
 - b. a detailed description of the mechanisms, if any, that Meyer has implemented to ensure that the component is only used for such purposes, with any and all supporting documentation.

Provide the following information.

13. Provide copies of Meyer's articles of incorporation, by-laws, certificates of good standing, and partnership or membership agreements, as applicable.
14. Provide a detailed, written description of the current business structure of Meyer and its affiliates, including an organizational chart depicting all parent and subsidiary companies

affiliated with Meyer, entities under common ownership with Meyer, and relative ownership interests in each entity.

15. For each of the entities identified in response to Request 14, provide a list of each entity's officers, directors, shareholders, members, managers, and partners, as applicable.
16. Provide the location of any and all warehouses or storage facilities where Meyer stores products identified in response to Request 1. If Meyer dropships products, identify the wholesalers, manufactures, or other entities Meyer has dropshipping arrangements with, describe those arrangements, and provide any and all documentation of those arrangements.
17. Provide a copy of Meyer's current product catalog. In lieu of providing a paper or PDF catalog, Meyer may provide EPA access to its online shopping website. Please contact Katharine Owens at (202) 564-2594, or owens.katharine@epa.gov, to coordinate access.
18. Identify each person responsible for responding to this Information Request Appendix C, including his or her title, and the Request(s) to which he or she responded.

Appendix D

Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. *See* 40 C.F.R. § 2.203(c).

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number 68HERH19C0004.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

Appendix E
Statement of Certification

I certify that I am fully authorized by Meyer Distributing, Inc., and its affiliates, predecessors, successors, and assignees, to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

CERTIFICATE OF MAILING

I, Katharine Owens, certify that on this day I sent this Information Request under Sections 114(a)(1) and 208(a) of the Clean Air Act, 42 U.S.C. §§ 7414(a)(1), 7542(a), by electronic mail to:

Meyer Distributing, Inc.
Attn: Jeffrey Braun, Registered Agent
560 E 25th St.
Jasper, IN 47546
jeff.braun@meyerdistributing.com

Date: _____

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